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Paper No. 11

WEINGARTEN, SCHURGIN, GAGNEBIN & LBOVICI
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BOSTON, MA 02109

FEB 13 2004

In re Application of:	:	
James Joseph Brogle et al.	:	DECISION ON PETITION
Serial No.: 10/005,513	:	
Filed: November 8, 2001	:	
For: MONOLITHICALLY INTEGRATED PIN DIODE	:	
AND SCHOTTKY DIODE CIRCUIT AND	:	
METHOD OF FABRICATING SAME	:	

This is a decision on the petition filed December 11, 2003, via facsimile transmission, requesting that the holding of abandonment in the above-identified application be withdrawn.

The petition is GRANTED.

A non-final Office action was mailed April 1, 2003, setting a three-month shortened statutory period for filing a response. In the apparent absence of a response, the application was held abandoned and a Notice of Abandonment was mailed November 18, 2003.

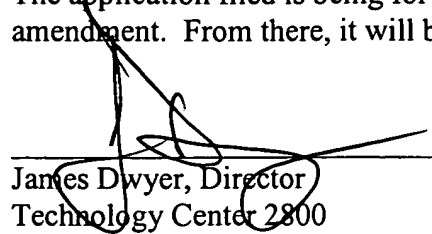
Petitioner asserts that a response was timely filed. To support the assertion, petitioner submitted 1) a copy of a response entitled "Amendment Under 37 C.F.R. 1.111" which bears a Certificate of Transmission under 37 C.F.R. § 1.8(a) dated July 1, 2002, 2) a copy of an Information Disclosure Statement (IDS), 3) a copy of the sending unit's report confirming successful transmission of the response on July 1, 2003, and 4) a statement in support of the petition under 37 C.F.R. § 1.8(b) signed by attorney William S. Francos.

That the file record includes the IDS filed July 1, 2003 but does not include the originally submitted Amendment.

That the petition satisfies the conditions for accepting a response filed using a certificate of transmission under 37 C.F.R. § 1.8(a) but lost after being received by the USPTO. Accordingly, the petition is granted.

That the copy of the amendment submitted on December 11, 2003, with the petition is accepted since the USPTO apparently lost the response originally submitted.

The application filed is being forwarded to the technical support staff for entry of the amendment. From there, it will be returned to the examiner for further examination.



James Dwyer, Director
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